

EXHIBIT 2

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

EVERETT DE'ANDRE ARNOLD, K.B., a
minor by and through his mother and next
friend, CINDY BRADFORD, and SANDY
ARNOLD

Plaintiffs,

v.

BARBERS HILL INDEPENDENT SCHOOL
DISTRICT; BARBERS HILL
INDEPENDENT SCHOOL DISTRICT's
BOARD OF TRUSTEES; GEORGE
BARRERA, in his individual and official
capacity; FRED SKINNER, in his individual
and official capacity; CYNTHIA ERWIN, in
her individual and official capacity; BECKY
TICE; in her individual and official capacity;
BENNY MAY, in his individual and official
capacity, ERIC DAVIS, in his individual and
official capacity; CLINT PIPES, in his
individual and official capacity; GREG
POOLE, in his individual and official capacity;
SANDRA DUREE, in her individual and
official capacity; MANDY MALONE, in her
individual and official capacity, RICK KANA,
in his individual and official capacity, RYAN
RODRIGUEZ in his individual and official
capacity, DOUG ANDERSON, in his
individual and official capacity; KIRVEN
TILLIS, in his individual and official capacity.

Defendants.

CIVIL ACTION NO. 4:20-CV-01802

JURY TRIAL REQUESTED

**DECLARATION OF K.B. IN SUPPORT OF PLAINTIFFS' MOTION FOR
TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION**

I, K.B., of Chambers County, Texas, affirm that:

1. My name is K.B.
2. I was born on November 14, 2003.

3. I started attending school in Barbers Hill Independent School District (“BHISD”) beginning in August 2010, when I started the first grade.

4. In 2017, when I was in the seventh grade at Barbers Hill Middle School North, I formed my natural hair into locs.

5. Growing locs is important to me because it is a part of my Black culture and heritage. In addition, many of my loved ones, including extended family members with West Indian roots, have locs and I wanted to emulate them and their culture as part of my family identity.

6. When I first started growing my locs, some of my friends made comments about my hair. They were surprised and interested that my hair could be formed into locs. My locs were never disruptive nor did I get any complaints about my locs from my classmates.

7. In August 2018, when I started ninth grade at Barbers Hill High School, my locs had grown past my earlobes.

8. At the start of the 2018–2019 school year, BHISD’s hair policy stated that “[b]oys’ hair will not extend, at any time, below the eyebrows, below the earlobes, or below the top of a t-shirt collar. Corn rows and/or dread locks are permitted if they meet the aforementioned lengths.”

9. To comply with BHISD’s hair policy, I began wearing a thin headband and tying my locs up and back, so they did not extend past my earlobes, neck, or eyebrows.

10. Administrators started taking interest in my hair as I continued to grow my locs. Although I wore my hair off my collar and above my eyebrows and earlobes, school

officials, and specifically Assistant Principal Ryan Rodriguez (“AP Rodriguez”), constantly reminded me that I had to keep my hair up, even at after school events like football games and at band practice.

11. During my freshman year at Barbers Hill High School, AP Rodriguez removed me from class at least once per week to ensure my locs complied with the hair policy. I was typically called down to the office in the middle of the last period of the day, right before I was about to go home. AP Rodriguez would usually call my mom and warn her that I needed to keep my hair in compliance with the hair policy. I noticed only my cousin, De’Andre Arnold, and I were called to the office regarding our hair at this time.

12. In August 2019, I started my sophomore year at Barbers Hill High School. During the Fall semester, I was regularly called out of class. If my hair was tied up and back so that it did not extend past my earlobes, neck, or eyebrows, I could return to class. I always complied with the hair policy and returned to class after being called to the office.

13. In December 2019, shortly before Winter Break, I learned that BHISD administrators were going to enforce a new hair policy. I was unaware of what the new hair policy would entail, but I knew that if my hair was let down below my collar, I would not be in compliance with the new hair policy. I wore thin headbands to secure my hair back and was never told I was out of compliance with the hair policy.

14. Around this time, Principal Rick Kana called my mom and said the school would strictly enforce the new hair policy after students returned from Winter Break. Principal Kana said I would be in compliance with the dress code if I styled my hair in

cornrows and wore them up. He also said it was okay for me to continue wearing my headband.

15. In January 2020, during Winter Break, Principal Kana asked me to send him a picture of my hair down to ensure it complied with the new hair policy. Principal Kana said that if my hair was too long, I would have to go to in-school suspension (“ISS”) and would be barred from attending and participating in all school-related activities, including sporting events and marching band. I did not send a picture of my hair.

16. Classes resumed on January 7, 2020. I did not go to class that day because I did not have a chance to style my hair in cornrows as Principal Kana suggested. When she was able to incur the expense, my mom took me to a hairstylist and spent \$70 to braid my hair up and back into cornrows. I returned to school following Winter Break, on January 14, 2020, with my hair up in this style.

17. I returned to school on January 14 with my cousin De’Andre and my aunt Sandy Arnold. When we arrived at the high school campus, De’Andre, Aunt Sandy and I immediately went to Principal Kana’s office to confirm my hair complied with the hair policy. I was told that my hair, styled in cornrows as Principal Kana suggested, did not comply with the new hair policy, and that I could not return to class unless I cut my locs.

18. When I got home, my mom called Principal Kana to ask about our previous conversation where he instructed us how to style my hair. Principal Kana acknowledged that he told me and my mom that braiding my hair into cornrows would be permissible under the new hair policy. However, he said there was nothing he could do about BHISD’s enforcement of the policy because he had a boss over him that did not think my braided

hairstyle would be acceptable. Principal Kana told me that if I did not cut my locs, I would be sent ISS or an alternative high school. He said that he felt bad but that he had no choice.

19. I did not return to school for nearly three weeks because I did not want to cut my locs and did not want to go to ISS. When I was out of school, my mom picked up homework packets for me to complete. The homework did not have accompanying instructions, and I did not know the lesson or assignments that happened during in-class instruction. The homework was hard, and I did not understand a lot of it, but I could not get help from my teachers.

20. On January 23, 2020, my mom completed a dress code exemption request form seeking an exemption from BHISD's hair policy. The school did not respond to my exemption.

21. On January 27, 2020, Christina Beeler filed a grievance with BHISD on my behalf.

22. I went back to school on January 29, 2020 because my mom was worried that I would face truancy and grade retention issues if I did not go to school. I was immediately sent to ISS when I returned to Barbers Hill High School because of my locs.

23. In ISS, I was not receiving an adequate education. I was placed in a room with other students, but we each sat in a cubicle square area alone and could not interact with one another. We could not talk or leave the classroom. We had to ask for permission to do anything. We even ate lunch alone in our cubicles. It was extremely isolating. I am a very social person, and it was hard not seeing my friends or engaging with other students.

24. In ISS, we had to figure out our schoolwork and homework on our own. Our ISS teachers were not certified and could not explain our work assignments.

25. On February 6, 2020, I had a grievance hearing with Principal Kana and BHISD's attorney Hans Graff.

26. After my grievance hearing I went back to Barbers Hill High School campus. Principal Kana told me that I would have to remain in ISS until I cut my locs. I did not want to go back to ISS but I also did not want to cut my hair because I don't believe in cutting locs. Locs are meant to grow long, and I had put in a lot of effort over many years to help them grow and keep them in the proper formation. Cutting them would be like cutting off an arm or a leg to me.

27. Being punished for my locs took a major emotional toll on me. My mom had to talk to me every day and every night because I was so upset. I lost my appetite and interest in activities I enjoyed. I felt very isolated, depressed and alone.

28. I stayed home from school from February 6th until February 21st. My mom picked up my homework from school during this period, but I did not receive any additional instruction. The homework was often confusing and difficult because I did not have the benefit of in-class instruction.

29. On February 21, 2020, my mom transferred me to Ross S. Sterling High School in the Goose Creek Consolidated Independent School District so that I could go back to attending classes and receiving adequate instruction. I miss my friends and teachers at my old school and wish I could return.

30. Before I was forced to leave school in BHISD, school was normal for me. I would go to class and do my work. I would go to band practice and participate in other extracurricular activities. I was an A/B student and never got into any trouble. I played the trombone in the Barbers Hill High School Marching Band. Since transferring to Goose Creek, I do not participate in any extracurricular activities.

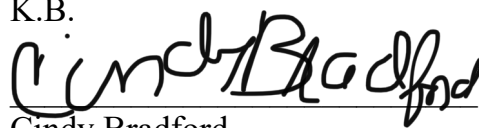
31. Shortly after I transferred to Sterling High School, COVID-19 forced us to start distance learning. My friends and former peers at Barbers Hill High School received Google Chromebooks and other distance-learning resources that were not available to me at Sterling High School. I could have benefited from those additional resources but did not have access to them because I was kicked out of Barbers Hill High School because of my locs.

32. I would like to rejoin band. At BHISD there is typically a summer band camp where the band members learn the music for the following school year. I participated in this band camp since the summer before my sophomore year at Barbers Hill High School.

33. I want to return to Barbers Hill High School because all of my friends are there, and I received great educational resources. I have been a student in BHISD since first grade and would like to return so that I can eventually graduate from Barbers Hill High School.

I declare, under penalty of perjury, that the foregoing is true and correct.

Dated this 26th day of May, 2020.

KB
K.B.

Cindy Bradford